

APPROVED MINUTES
CITY OF MILPITAS

Minutes:	Regular Meeting of Milpitas City Council (Including Joint Meeting with Redevelopment Agency)
Date of Meeting:	December 2, 2003
Time of Meeting:	6:00 p.m. (Closed Session) 7:00 p.m. (Regular Session)
Place of Meeting:	City Hall Council Chambers, 455 E. Calaveras Blvd.

ROLL CALL

Mayor Esteves called to order the regular meeting of the Milpitas City Council at 6:00 p.m. Present were Mayor Esteves, Vice Mayor Dixon, and Councilmembers Gomez, and Polanski. Councilmember Livengood arrived at 6:05 p.m.

CLOSED SESSION

Mayor Esteves publicly stated the Council would convene in Closed Session to discuss the following two items listed on the agenda:

- 1. CONFERENCE WITH REAL PROPERTY NEGOTIATOR**
(Pursuant to Government Code Section 54956.8)
Property: APN Nos. 86-12-015, 86-12-016, and 86-12-020
Negotiating Party: Milpitas Redevelopment Agency
Under Negotiation: Terms and Conditions for Acquisition of Property
- 2. CONFERENCE WITH LABOR NEGOTIATOR**
(Pursuant to Government Code Section 54957.6)
Agency Negotiator: Cherie Rosenquist
Employee Organization: IAFF Local 1699

Mayor Esteves adjourned the meeting to closed session at 6:01 p.m.

The City Council meeting reconvened at 7:00 p.m. with Mayor Esteves presiding and Vice Mayor Dixon and Councilmembers Gomez, Livengood, and Polanski present.

**CLOSED SESSION
ANNOUNCEMENTS**

There were no closed session announcements.

PLEDGE

Members of Boy Scout Troop No. 92 led the Council and audience in the Pledge of Allegiance.

MINUTES

MOTION to approve the City Council minutes of November 18, 2003, including joint meeting with the Redevelopment Agency, as submitted.

M/S: Dixon, Gomez.

Ayes: 5

SCHEDULE

Vice Mayor Dixon announced that a meeting of the Joint Powers Authority for the Santa Clara County Library would be held on December 3, 2003, at 2:00 p.m., to set the fee (tax) for the March election.

MOTION to approve the Schedule of Meetings as amended.

M/S: Gomez, Livengood.

Ayes: 5

PRESENTATIONS

Recreation Services Manager Bonnie Greiner announced that the City's 2004 calendar celebrating the City's 50th Anniversary was completed and Lynette Wilson was handing out the first copies to the Council. Ms. Greiner said the Calendar Committee was comprised of members from all departments in the City and acknowledged members Terry Medina, Eliren Pasion, Kathy Ynegas, Tim Hinkley, Samu Tiunmalu, Kathleen Yurchak, and Lynette Wilson, pointing out that Lynette was the one responsible for the organization and layout of the

calendar. Ms. Greiner further stated that the Community could look for the delivery of the 2004 calendar the following week.

Mayor Esteves read a proclamation proclaiming the week of December 1st as “Civil Air Patrol Week” and presented it to Major Greg Dessel of the Civil Air Patrol (CAP). Mr. Dessel shared information about CAP, which was started in December 1941, noted that copies of CAP’s “*Centennial Century of Flight*” booklet had been provided to the Council, and thanked the Mayor and Council, stating that further information could be obtained at their website: www.CAP.gov.

Mayor Esteves read a Commendation recognizing Lourdes and Felice Hannett for saving the life of a two-year old child, Titiana Huerta, and presented it to Lourdes Hannett. Ms. Hannett thanked the Mayor and said she was pleased to be able to help and it was an honor to be recognized.

Mayor Esteves read a Commendation recognizing Milpitas Firefighter Edward Garcia for his contributions as Safety Officer for the Paradise Fire, San Diego County. Mr. Garcia thanked the Mayor and stated the experience in San Diego was an experience no one should have to deal with; it was difficult for a lot of residents; and he hoped no one in Milpitas would ever had to deal with a similar situation. Mr. Garcia said he was glad to serve the City of Milpitas and happy to be a firefighter in Milpitas.

Mayor Esteves read a Commendation recognizing Milpitas Firefighter Brian Stelling for contributions battling the Cedar Fire, San Diego County. Mr. Stelling thanked everyone in the City of Milpitas for the recognition; stated the Cedar Fire was over 285 thousand acres, over 2,600 homes burned, 500 out buildings were lost, he met a lot of residents, and believed they followed the Milpitas Mission Statement (to provide quality and responsive service) in another community. Mr. Selling provided an overall picture of the actions and scenes encountered at the fire site.

Mayor Esteves read a Commendation recognizing Milpitas Firefighter Steve King for contributions battling the Cedar Fire, San Diego County. Mr. King stated the conditions were really bad and thanked Fire Chief Weisgerber and Assistant Chief Dixon for providing the opportunity to assist in the Cedar Fire.

Mayor Esteves read a Commendation recognizing Milpitas Firefighter Michael Wong for contributions battling the Cedar Fire, San Diego County. Mr. Wong thanked Fire Chief Weisgerber and Assistant Chief Dixon for allowing him to be a part of the Milpitas delegation at the Cedar Fire.

Mayor Esteves read a Commendation recognizing Milpitas Firefighter Brandon Smith for contributions battling the Cedar Fire, San Diego County. Mr. Smith said he felt that as he just finished his first year at Milpitas, being given the opportunity to go to San Diego was something and thanked the City for its support and the Department for its support.

Mayor Esteves recognized and thanked the families of the Firefighters who had been assigned to the Southern California fires and asked them to stand.

Mayor Esteves, assisted by Senior Housing and Neighborhood Preservation Analyst Gloria Anaya, presented the following awards for the Fourth Annual Neighborhood Beautification Program:

BUILDING A SENSE OF COMMUNITY:

Winner:

- Summit Point Home Owners Association, Pebble Beach Court – Louis Colombo, Manager

Nomination:

- Greater Love Church, Sunrise Way – Percy Pennington, Deacon

ATTRACTIVE NON-RESIDENTIAL:

Winner:

- Greater Love Church, Sunrise Way – Percy Pennington, Deacon

STAFF CHOICE AWARD:

Winner: Printy Avenue – David and Rosie Young

CENTRAL AREA:

ATTRACTIVE RESIDENTIAL:

Winner: Tramway Drive – Lilia Navarro

Nominations:

- Arizona Avenue – Henry and Jovita Opinaldo
- Arizona Avenue – Kevin Broyles
- Arizona Avenue – Jacy Truong
- Coelho Street – Junior Hodgson
- Hamilton Avenue – Juan and Rose Rodriguez
- Murray Street – Willie and Tibitha Frieson

ATTRACTIVE MULTI-FAMILY UNITS:

Winner: Friendly Village – Via Sonoma – John Regola and Nicole Huang

ATTRACTIVE HOMEOWNERS ASSOCIATIONS:

Winner: Beresford Village – Woodward Drive – Chunhwa Huang and Annie Shiao

HILLSIDE AREA:

ATTRACTIVE RESIDENTIAL:

Winner: Nicklaus Avenue – Mary Campbell

ATTRACTIVE HOMEOWNERS ASSOCIATION:

Winner: Summitpoint – Pebble Beach Court – Gerald and Sharon Fedor

Nomination: Summitpoint – Country Club Drive – Kyriakos Doganis

EAST VALLEY FLOOR AREA

ATTRACTIVE RESIDENTIAL:

Winner: Temple Drive – Bruce and Maria Rodgers

ATTRACTIVE MULTI-FAMILY UNITS:

Winner: Chewpon Avenue – Stephen Holman and Patricia Kniespick

ATTRACTIVE HOMEOWNERS ASSOCIATION:

Winner: Bayview – Bay View Park – Jay and Dawn Tuckwood

WEST AREA

ATTRACTIVE RESIDENTIAL:

Winner: Butler Street – Betty Denmon

ATTRACTIVE MULTI-FAMILY UNITS:

Winner: Duplex – Marylinn Drive – Adalberto and Arcelia Garcia

ATTRACTIVE HOMEOWNERS ASSOCIATION:

Winner: Starlite Pines – Fallen Leaf Drive – Donald and Eugenia Egbert

REFRESHMENT BREAK

Mayor Esteves recessed the City Council meeting for a refreshment break at 7:35 p.m.; the City Council meeting reconvened at 7:54 p.m.

CITIZENS FORUM

Mayor Esteves invited members of the audience to address the Council on any subject not on the agenda, requesting that remarks, including any visual or technology-assisted presentations of any kind, be limited to two minutes or less, and noted that the City Clerk would be using the timer and when the red light at the podium came on, two minutes would be up.

Michael Wilhelmi, representing St. Elizabeth's Church, invited everyone to participate in St. Elizabeth Church's Christmas dinner being held on Saturday, December 27, 2003, for the homeless, those who spend Christmas alone, and those who cannot afford Christmas dinner, and said he would be handing out flyers for the event.

Frank DeSmidt, representing the Chamber of Commerce and the Knights of Columbus, said in the past the Knights had not been charged or been charged a very minimal amount for its annual Basketball Free-Throw event at the Sports Center, now a considerable amount of money is being requested for the use of the facility for this event; asked the Council to look at scheduling fees for non-profits, having some kind of a plan so that organizations can approach the Sports Center and other facilities and find out what they have to do at minimal expenses; the Chamber was also toying with the idea of having some form of candidate's forum in 2004; he understood there is a policy and fee schedule being drafted for the use of the City Hall facility, stated that the Chamber would need a facility like the Council Chambers, which has the video and audio capabilities, and be of minimal cost.

Rob Means said when people talk about the Personal Rapid Transit (PRT), a lot of their concerns can be addressed by information that is available. Mr. Means said intrusion of the PRT was a concern and shared information on the prototype that had been on display in the Town Center, drawings of what it might look like, and commented on mitigation options for screening so that it was not so intrusive.

ANNOUNCEMENTS

Councilmember Polanski thanked Lynette Wilson, the Recreation staff, and everyone involved in working on the 2004 Calendar, she thought it looked beautiful, and residents would be very pleased. Councilmember Polanski also thanked the Recreation staff and everyone who made the 2003 Tree Lighting Ceremony event possible for the citizens of Milpitas.

Vice Mayor Dixon extended congratulations to Milpitas resident and Chairwoman of the Library Advisory Commission, Marilyn Hay, for being selected and featured on KRON, Channel 4 News, last week for volunteering her talent and time all year long for Jennifer Cullenbine's Giving Tree located on Valley Way and said if anyone had any toys, clothes, or money they would like to donate to the Giving Tree, there was time. Vice Mayor Dixon acknowledged members of the Library Advisory Commission and the Friends of the Milpitas Library, explaining that they began their informational table this week to give out information sheets and to answer questions about the upcoming JPA tax extension to keep the library strong, encouraged everyone to stop by the library and shopping centers to pick up a support card, and whatever can be contributed would be greatly appreciated. Vice Mayor Dixon further stated that Citizens Emergency Preparedness Advisory Commission was currently working on an Information Emergency Tag; explained what the Tag would look like and said it was hoped to be available in the next two years to be given to residents so that in case of emergency, people would be able to turn off their gas and possibly prevent major damage to their home; and emergency supplies had been placed throughout the City in areas called "cribs." Vice Mayor Dixon, addressing the most recent City/School District Communication Meeting, said in another effort to partner with our School District, the City Manager and Police Chief had found a way to accommodate the fingerprinting, which the School District currently did, to be done more efficient and to use the City's system, which would ultimately save the School District about \$15 per set of prints.

Mayor Esteves, stating that Thanksgiving week was the time to thank people and groups, thanked the Community Concert Band for the concert at the Community Center one Friday evening in addition to the Tree Lighting Ceremony under the direction of Chris Kaldy; thanked the groups providing Thanksgiving Dinner to seniors, the poor, and the lonely – starting with the Knights of Columbus, the new Milpitas Vietnamese Lions Club, and the Milpitas Food Pantry; there were also lots of volunteers from Milpitas and recognized Police Officers and Explorers who helped serve the meals. Mayor Esteves wished everyone a belated and happy Thanksgiving.

AGENDA

MOTION to approve the agenda as submitted.

M/S: Gomez, Polanski.

Ayes: 5

CONSENT CALENDAR

Mayor Esteves inquired if anyone wished to make any changes to the Consent Calendar. There were no requests.

MOTION to approve the Consent Calendar, items with asterisks on the agenda, as submitted, in accordance with the staff recommendations.

M/S: Gomez, Livengood.

Ayes: 5

***4.**

Cultural Arts Support

Approved the augmented Cultural Arts Support Program.

***5.**

Milpitas Community Center Fee Waiver

Approved Fee Waiver of \$889 for the Knights of Columbus for the rental of the Milpitas Community Center Auditorium for Its Annual Thanksgiving Dinner.

***6.**

Milpitas Community Center Advance Booking

Approved Milpitas Adult Education request for advance booking of the Milpitas Community Center Auditorium and Dance Studio.

***7.**

IAFF MOU Amendment

Adopted Resolution No. 7366 amending the International Association of Fire Fighters (IAFF) Memorandum of Understanding for the period January 1, 2001, through December 31, 2005.

***8.**

VTA Community Design and Transportation

Adopted Resolution No. 7367 revising Resolution No. 7340 endorsing the principles and concepts in VTA's Community Design and Transportation Program and its Best Practices Manual.

***9.**

SBWR Phase (M4) Town Center Segment (Project No. 6093)

Adopted Resolution No. 7368 granting initial acceptance for SBWR Phase (M4) Town Center Segment (Project No. 6093), subject to a one-year warranty period and reduction of the faithful performance bond to \$457,291.21.

***10.**

Clean Air Agreement CIP 4206 Coyote Creek Trail

Approved Transportation Fund for Clean Air Agreement with Santa Clara Valley Transportation Authority for \$95,000 for CIP 4206 Coyote Creek Trail, Reach 1, and authorized the City Manager to execute the Agreement subject to approval as to form by the City Attorney.

***11.**

Hillside Water System Improvement (Project No. 7083)

Authorized the City Manager to execute the agreement amendment with ABR Engineers for Hillside Water System Improvements (Project No. 7083), in the amount of \$37,000, subject to approval as to form by the City Attorney.

***12.**

Hillside Water System Improvement (Project No. 7083)

Authorized the City Manager to execute the agreement amendment with Bay Area Coating Consultants for Hillside Water System Improvement (Project No. 7083) in the amount not to exceed \$8,000, subject to approval as to form by the City Attorney.

***13.**

Montague Expressway Widening (Project NO. 4179)

Authorized the City Manager to execute the agreement amendment with HMH Incorporated for Montague Expressway Widening (Project No. 4179), in the amount of \$23,800, subject to approval as to form by the City Attorney.

PUBLIC HEARINGS (NONE)

JOINT REDEVELOPMENT AGENCY AND CITY COUNCIL MEETING

RA1.

CALL TO ORDER

Mayor Esteves called to order the regular meeting of the Milpitas Redevelopment Agency, meeting jointly with the City Council, at 8:08 p.m.

- RA2.
ROLL CALL** Present were Mayor Esteves, Vice Mayor Dixon, and Agency/Councilmembers Gomez, Livengood, and Polanski.
- RA3.
MINUTES** MOTION to approve the Redevelopment Agency minutes of February 4, 2003, including joint meeting with the City Council, as submitted.
- M/S: Gomez, Livengood. Ayes: 5
- RA4.
AGENDA** MOTION to approve the Agenda and Consent Calendar as submitted.
- M/S: Gomez, Polanski. Ayes: 5
- *RA5.
CIVIC CENTER UPDATE**
1. Approved change orders and purchase orders included in the summary sheet.
 2. Noted receipt and filed progress report on project close out and 4th floor improvements.
- *RA6.
PARC NORTH
ASSOCIATES LLC** Adopted Redevelopment Agency Resolution No. RA217 approving the assignment of an owner participation agreement with Parc North Associates LLC to Western Pacific Housing.
- *RA7.
MONTAGUE EXPRESSWAY &
ABEL STREET &
CALAVERAS BOULEVARD**
1. Authorized the City Manager to enter into the Cooperative agreement with the City of San Jose and Santa Clara County in the amount of \$1,741,500, subject to approval as to form by the City Attorney.
 2. Approved budget appropriation of \$173,500 to account for the 3 Com development fees.
 3. Approved establishment of the new Capital Improvement Program Project No. 8155 for the second left turn lane at the Calaveras Boulevard/Abel Street intersection
- RA8.
ADJOURNMENT** There being no further Redevelopment Agency business, Mayor Esteves adjourned the Redevelopment Agency meeting at 8:09 p.m.
- The City Council meeting continued.

REPORTS OF OFFICERS & COMMISSIONS

- 1.
Mayor's Term Length
CAC Proposal**
- Acting Planning Director Tambri Heyden explained that the CAC's 2003 Work Program, approved by the City Council, included the study of changing the Mayor's existing term length from 2 years to 4 years and a recommendation to consider placing it on the ballot for voter approval. Ms. Heyden introduced Community Advisory Commission Chair, Al Garcia, stating he would be describing the work that occurred on this issue.
- Al Garcia stated other members of the subcommittee included Sudhir Mandal, Marie Pham, and Chris Lee; recognized the resources made available to the subcommittee, including the Public Policy Institute of California, especially Mr. Paul Lewis, who provided some very valuable information; thanked those who spoke with the subcommittee (Supervisor Pete McHugh, former Mayor Manayan, Councilmember/former Mayor Livengood, and Karen Serpa). Mr. Garcia said the purpose of the study was not only looking at changing the Mayor's term length from 2 years to 4 years, but also looking at should the Mayor serve the same term as other members of the City Council; explained that 25 years ago, the voters changed the Mayor to directly elected with a 2 year term, reasons being to increase continuity and to ensure accountability; the subcommittee used the internet to access information from other cities that had struggled with the same question and other entities to find options and thoughts regarding Mayoral term limits; of 132 cities that directly elect a mayor, 51% had a 2 year term for mayor and 49% had a 4 year term for mayor. Mr. Garcia said he wanted to make one correction, reporting that a letter had been received from Karen Serpa clarifying that her position was against the four year term and she was not neutral on the issue as was reflected in the report. Mr. Garcia reported that the subcommittee, at the beginning, was in favor of the 2-year term; however, after researching various avenues, the subcommittee turned its decision around and felt very strongly that one of the main advantages for making the

Mayor's term 4 years was continuity in office, felt the Mayor of Milpitas needed to play a very large role in Regional Groups within the Bay Area as well as the State of California, and there would be a reduction in campaigning, which was looked at as a distraction. Mr. Garcia further reported the one issue of significance in moving to a 4-year term was accountability; however, when the subcommittee weighed the pros and cons, it was clear that there was the need to move to a 4-year term; they felt the leadership role of the Mayor was of significance and needed to be enhanced; and a 4-year term provided the ability to build a consensus. Mr. Garcia shared a quote from Councilmember Livengood that Mr. Garcia felt summed everything up -- "trust the voters to do the right thing," and reviewed the subcommittee's recommendation to place the question "Shall the term of Mayor be the same as the Councilmembers" on the ballot.

Councilmember Gomez inquired if the subcommittee was looking at a general or primary election. Mr. Garcia responded they did not make a recommendation but were probably looking at November (2004) because they were not aware of any other ballot issues for the March primary. Councilmember Gomez inquired what kind of public outreach was done. Mr. Garcia said other than the interviews and talking within the CAC, there was no public outreach done; he thought if the Council decided to place the issue on the ballot, there would be time for public outreach.

Councilmember Livengood said he thought some very good work was done by the subcommittee; he found the interview process to be very deliberative and fair in the way the issue was approached and appreciated the final product; the question of how term limits played into this was something he needed more information on; he believed the voters knew when they voted for term limits in 1996 that they were limiting the Mayoral term to a maximum of 6 years; stated again that he would need more information on how the term limit issue would be resolved as it related to the 4-year Mayor; the second issue he had was the need for the exact wording that would be placed on the ballot; and felt it was worthy of further study, worthy to be looked at and to explore and to open it up more to the public.

Mayor Esteves added to the history of the item stating that this was discussed in 2002 under former Mayor Henry Manayan and at that time, he was running for Mayor so he abstained, he recalled the vote was 4/0 in support of the 4-year term; he felt that this would make the Mayor's term the same as the Councilmembers' term; felt it was very logical as the Mayor had only one vote, which was not any more than any Councilmember; and it made a lot of sense to him.

Councilmember Polanski complimented the subcommittee and the CAC, stating that they had been working on the item for many months and reported on the progress at each of the CAC meetings; one of the biggest constraints was finding time to meet with individuals for interviews; when terms were discussed at the CAC level, all the information was not clear regarding what the term limits actually were, the ordinance was hard to understand, and a lot had changed in 25 years.

Vice Mayor Dixon thanked Mr. Garcia and the other members of the subcommittee, stated that in 1976, the City was small; agreed with what Councilmember Livengood had said to "trust in the voters;" the City was currently getting ready to go out to the community for opinions regarding "Ethics in Politics"; she looked at this as a way to incorporate the term limit issue into that; the San Jose Mercury seems to be hot on this issue right now; she wanted to hear from the community; addressing the Mayor's "one vote" statement, noted that San Jose was a charter city which was something else Milpitas had to keep in mind; General Law cities for the most part rotate the position of Mayor, which saves even more money.

Mayor Esteves said he felt that term limits was something that needed to be addressed, and felt comfortable in supporting it.

Councilmember Gomez said he had concerns with moving from a two-year Mayoral term to a four-year term; had no problem with moving forward and getting public input; felt that if the

Council's mind set wasn't with the voters, then every two years the voters have a chance to vote in new people; felt campaigning was a good thing, that it kept elected officials on their toes, and was really the only time in which elected officials get out and talk to the community.

Councilmember Polanski, addressing the City Attorney, inquired how the rotation would work if the Mayor's term went to four years. City Attorney Mattas responded that the rotation would be three (Mayor and two Councilmembers) and then two (two Councilmembers).

Santa Clara County Supervisor Pete McHugh said he agreed with Councilmember Livengood that the people should decide and he was present to clear for the record his position, which was not what was stated on page 2 of the CAC report or on page 4 of the November 5, 2003, CAC meeting; he did not now, nor had he ever supported a four-year term or changing it; he would not argue that it was inconvenient, however, felt it was a distinction to the holder of that distinction to be the top official for the city; felt that inconvenience was more than offset by the greater public good of having that frequent accountability; supported the direct accountability even though he understood it put a burden on the current Mayor; and passed out a written statement reconfirming his position.

MOTION to direct the CAC to continue their discussions on this item and come back to the Council in the Spring with recommendations relating to this issue and a complete report on the issue of term limits and how that integrates into this entire process, with an eye to possibly look at putting this on the November 2004 General Election Ballot.

M/S: Livengood, Polanski.

Mayor Esteves said he would like the motion to be amended to include a plan schedule with November 2004 as the target. Councilmember Livengood stated that should come from the City Attorney showing the deadlines that needed to be adhered to. City Attorney Mattas said he could prepare a timeline that would show the deadlines that would be applicable to placing ballot measures on the November ballot. Councilmember Livengood said he felt in that as the public was not around much in July and August, some of the critical decisions should be made in the Spring and early Summer.

Councilmember Livengood stated he would amend the MOTION to include the Mayor's time line. Councilmember Polanski stated the second agreed.

VOTE ON MOTION AS AMENDED:

Ayes: 5

UNFINISHED BUSINESS

2. Planning Commission Applications

City Clerk Gail Blalock stated four applications had been received as of the deadline, which were included in the Council's agenda packet, and December 9, 2003, at 6:30 p.m. had been set for an adjourned City Council meeting for interviews.

Councilmember Polanski suggested that all four applicants be interviewed and inquired how the process worked. Mayor Esteves explained that each Councilmember asks the applicant one question, and based upon the answers given, the applicant would be rated from 1 to 4 by each Councilmember with 1 being the highest score and 4 the lowest score; the ratings are then tallied and the applicants receiving the two lowest rankings would be appointed.

MOTION to interview all four applicants on December 9, 2003, at 6:30 p.m.

M/S: Livengood, Polanski.

Ayes: 5

3. Odor Control Update

Principal Civil Engineer Darryl Wong presented a PowerPoint presentation outlining the activities staff had been involved in over the past month; staff had been working on a BFI composting relocation and it had been agreed with BFI to move forward with two different items: 1) a short term relocation and 2) longer term relocation, which requires permitting

approval. Mr. Wong stated that public outreach included tracking Milpitas complaints and placing the contact information on the City's web site; the next actions included reviewing BFI's written proposal for the compost move, continue public outreach activities, look into odor expertise assistance to assist staff, and begin legislative review effort in coordination with the City Attorney to see if recommendations to streamline regulatory controls could be made.

Vice Mayor Dixon inquired where one went to get "odor expertise." Mr. Wong stated, surprisingly enough, there were professional people who view nothing but odor looking at specific assistance (i.e., regulatory evaluation) and when sites are visited to assure that Best Management Practices are being implemented. Vice Mayor Dixon commented there were studies done on decibel levels and wondered what should be acceptable odors. Mr. Wong responded what was being looked for were different facilities implementing different mechanisms for Best Management Control of odors. Vice Mayor Dixon, referring to the BFI composting relocation, inquired as to how far it was being moved. Mr. Wong stated staff understood that the move was currently being done and it would be completed in the first part of 2004 for the interim move; the long term relocation may take a couple of years, which included preparing some of the sites which were currently being used as land fill, and getting regulatory and local approval (through San Jose) for the reconfiguration; explained that staff had requested that BFI work with staff to make sure staff (and Planning staff) understood any changes that might affect Milpitas. Vice Mayor Dixon inquired if the effort to move the composting facility was based on any particular data (i.e., air streams that would control the flow of the air). Mr. Wong stated there were many factors, including the size of the facility, the metrological conditions that affect the dispersion that occurs due to wind factor. Vice Mayor Dixon expressed appreciation on how staff had jumped on this, felt staff's schedule to notify and inform the public was great.

Councilmember Polanski said she also appreciated all the efforts done by staff to get information out to the public and BFI's assistance as well.

Mayor Esteves thanked staff and BFI for doing the first move of relocating; stated it was a tangible, difficult move; looked forward to a good working relationship; and requested that in areas that are regularly impacted by odor that staff distribute flyers (i.e., on doorsteps) informing residents that the City is doing something. Mr. Wong said it could certainly be done to the north and west areas and information would also be placed in the newspaper for the entire City to be aware of what was being done.

MOTION to note receipt and file progress report on odor control program activities.

M/S: Gomez, Polanski.

Ayes: 5

ADJOURNMENT

There being no further Council business, Mayor Esteves adjourned the City Council meeting at 9:00 p.m. to December 9, 2003, at 6:30 p.m. for Planning Commission interviews.

Gail Blalock, CMC
City Clerk

The foregoing minutes were approved by the City Council as submitted on December 16, 2003.

Gail Blalock, City Clerk

Date